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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) No. CR-09-00079-MHP
15 Plaintiff,) [PROPOSED] ORDER AND
16 v.) STIPULATION EXCLUDING TIME
17 TOMAS CASTANEDA,) FROM DECEMBER 7, 2009 TO
18 Defendant.) FEBRUARY 1, 2010, FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))
19 _____)

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21 On December 7, 2009, the Court held a status conference in the above-captioned matter.

22 At that time, based on the request of the parties, the Court ordered the Probation Department to
23 prepare a Pre-Plea report and set the matter for a change of plea hearing on February 1, 2010.

24 With the agreement of the parties, and with the consent of the defendant, the Court enters
25 this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b),
26 from December 7, 2009, through February 1, 2010.

27 The parties agree, and the Court finds and holds, as follows:

- 28 1. The defendant agrees to an exclusion of time under the Speedy Trial Act from

1 December 7, 2009, through February 1, 2010, based upon the need for effective preparation of
2 counsel and to provide the Probation Office with adequate time to prepare a Pre-Plea Report.
3 The defendant agrees to this exclusion on the condition that his right to bring motions claiming
4 Speedy Trial Act violations prior to December 7, 2009, shall remain preserved.

5 2. Counsel for the defense believes that the exclusion of time is in his client's best
6 interest.

7 3. Given these circumstances, the Court finds that the ends of justice served by excluding
8 the period from December 7, 2009, through February 1, 2010, outweigh the best interest of the
9 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

10 4. Accordingly, and with the consent of the defendant, the Court orders the period from
11 December 7, 2009, through February 1, 2010, shall be excluded from Speedy Trial Act
12 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

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14 STIPULATED:

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16 DATED: 12/10/09

17 /s/
JOHN YZURDIAGA
Attorney for Defendant

18 DATED: 12/10/09

19 /s/
AARON D. WEGNER
Assistant United States Attorney

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21 IT IS SO ORDERED.

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23 DATED: 11/16/2009

